



General Assembly

February Session, 2010

Raised Bill No. 5538

LCO No. 1603

01603_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING PRODUCT LIABILITY CLAIMS FOR
COMMERCIAL LOSS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-572m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 As used in this section and sections 52-240a, 52-240b, 52-572n to 52-
4 572q, inclusive, as amended by this act, and 52-577a:

5 [(a)] (1) "Product seller" means any person or entity, including a
6 manufacturer, wholesaler, distributor or retailer who is engaged in the
7 business of selling such products whether the sale is for resale or for
8 use or consumption. The term "product seller" also includes lessors or
9 bailors of products who are engaged in the business of leasing or
10 bailment of products.

11 [(b)] (2) "Product liability claim" includes all claims or actions
12 brought for personal injury, death or property damage caused by the
13 manufacture, construction, design, formula, preparation, assembly,
14 installation, testing, warnings, instructions, marketing, packaging or

15 labeling of any product. "Product liability claim" shall include, but is
16 not limited to, all actions based on the following theories: Strict
17 liability in tort; negligence; breach of warranty, express or implied;
18 breach of or failure to discharge a duty to warn or instruct, whether
19 negligent or innocent; misrepresentation or nondisclosure, whether
20 negligent or innocent.

21 [(c)] (3) "Claimant" means a person asserting a product liability
22 claim for damages incurred by the claimant or one for whom the
23 claimant is acting in a representative capacity.

24 [(d)] (4) "Harm" includes damage to property, including the product
25 itself, and personal injuries including wrongful death, [. As] and, as
26 between commercial parties, "harm" [does not include] includes
27 commercial loss.

28 [(e)] (5) "Manufacturer" includes product sellers who design,
29 assemble, fabricate, construct, process, package or otherwise prepare a
30 product or component part of a product prior to its sale to a user or
31 consumer. It includes a product seller or entity not otherwise a
32 manufacturer that holds itself out as a manufacturer.

33 Sec. 2. Section 52-572n of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2010*):

35 (a) A product liability claim as provided in sections 52-240a, 52-
36 240b, 52-572m to 52-572q, inclusive, as amended by this act, and 52-
37 577a may be asserted and shall be in lieu of all other claims against
38 product sellers, including actions of negligence, strict liability and
39 warranty, for harm caused by a product.

40 (b) A claim may be asserted successfully under said sections
41 notwithstanding the claimant did not buy the product from or enter
42 into any contractual relationship with the product seller.

43 [(c) As between commercial parties, commercial loss caused by a
44 product is not harm and may not be recovered by a commercial

45 claimant in a product liability claim. An action for commercial loss
46 caused by a product may be brought only under, and shall be
47 governed by, title 42a, the Uniform Commercial Code.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	52-572m
Sec. 2	<i>October 1, 2010</i>	52-572n

Statement of Purpose:

To permit a commercial party to bring a product liability claim for commercial loss.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]